

From: Camilla Berry [REDACTED]
Sent: Friday, November 15, 2024 8:11 AM
To: Gambier Island Local Trust Committee
<GambierIslandLocalTrustCommittee@islandstrust.bc.ca>
Subject: Fwd: Gambier OCP engagement

Dear LTC, Planners Zupanec and McCargar,

Thank you for your service and detailed deliberations on our LTC projects. I have been engaged in the OCP process since 2012 and have watched every KSP/OCP discussion at LTC meetings for at least two years now. I hope you consider the suggestions and information I provide below.

Thank you, Planner Zupanec. This OCP project has been fraught with delays and challenges, but you have transformed it into a historical moment. This is not just in regards to the engagement process and its resulting recommendations that dovetail with our existing targeted OCP review plan. It is the way in which you speak about it. The path to Reconciliation comes with not just an acknowledgement, but a fundamental understanding that there are different ways of seeing and comprehending the world around us.

This does not pose a challenge to me as it does other residents. I know that the conclusions of western based science, first in ecology but now too many fields to list here, over the past 60 years, resonates, validates, legitimates and provides empirical evidence for the way, not just the way our aboriginal peoples describe how nature works, but every archaic culture (including European ones) that understood the interrelatedness of things. (I can refer APC members to scholars in the fields of cross-cultural studies and comparative religion if necessary.) There are mountains of scientific research using internationally academically accepted methods of knowledge construction that have been produced that illustrate this. (David Suzuki and/or Carl Sagan have written and presented about this in publically accessible ways.)

Thank you, Planner McCargar. Whenever you send a report I have requested, you always send the associated documents with it. This is how I came to recognize that every report I have ever asked staff for has been created at the request of the Regional Planning Committee. (Local government websites were not designed by librarians, so I have a challenge finding them, but the value of these reports and Islands Trust Staff more than compensate). Planner McCargar, the utility of this equals the value of the reports themselves.

Here is what I have put together to help me navigate most of the probable issues that will come up.

1. CONCERN FOR DRAFT BYLAWS

In regards to the concerns regarding draft bylaws and community engagement, the RPC's 2020 Model Shoreline Bylaw Report is an excellent example of what to present to residents at this stage. It refers to bylaws that are actually already in place in other areas that resonate with the direction this OCP is going. So, what we can discover about the examples in the report, and one can easily find more examples since 2020, is that the areas that are having floodplain or storm surge protection analysis are adopting 25 to 30m marine setbacks. The methodologies of these studies are posted on the province's website. Citizens can make up their mind as to whether they accept this as a legitimate form of knowledge construction.

Every Indigenous Governing Body on the South Coast has recommended the standard marine 30m as a minimum, for ecological and cultural reasons. That their wish to protect the foreshore resonates with every level of government's concern about the health and safety of waterfront communities, is a point of connection.

2. REQUESTS FOR PEER REVIEWED RESEARCH

There is an irony, in the repeated requests for the "peer reviewed research," in the fact that First Nations have been integrating scientific knowledge into their strategic plans for decades. Furthermore, readings of the Minutes of the Proceedings of Parliament on a variety of topics illustrate clearly that it is always and only Conservative MP's who ask for exactly "peer reviewed research." Yet, whenever Conservatives have leadership they close libraries and research stations. It is a stalling tactic, especially in local government, where

staff members do not have access to university libraries nor is academic research a budgeted part of their time. Literature reviews of relevant research are included mostly in provincial or federal technical reports which are always publicly available. For example the most recent engineering reports for the SCRD docks include references and citations that are useful, should a citizen wish to gain a greater context for the pressures that nature imposes on marine infrastructure and vice versa.

2.a) In regards to requests for proof, evidence or “peer-reviewed research” for 30m setbacks, I believe that there is some confusion about a completely coincidental recommended 30m marine setback and the 30m riparian setback. (And now the 30 by 30 initiative.)

Note: similar concerns and requests can be found in the letter to the RPC from the Mudge Island Community Association, the Keats Island Shoreline project, the Pender Harbour swiya DMP process and CIM minutes from North Cowichan.

The marine setback comes from data and analysis over the past few decades in an effort to assess sea level rise, storm surge protection and floodplain analysis. The findings of these studies have impacts on emergency services, evacuation and insurance.

2.b) The first time the 30m riparian setback was legislated in BC was the 1994 Forest Practices Code. It applied to the first two of six salmon bearing stream classifications. These setbacks and restrictions were adopted on the East Coast as early as 1990 in response to the fisheries’ collapses. I can assure you, for the BC government to legislate a significant restriction on timber harvesting it had to have been backed up by decades of research. During the late nineties and 2000’s on both Vancouver Island and the Lower Mainland, when logging came within 30m of a watershed or the crown land bordering residential areas, there were loud and repeated protests from residents and activists that 30m wasn’t enough protection. As Gambier residents learned recently, the MOF believes that it is. The only legislation that I have seen that addresses this issue is provincial legislation requiring the retention and planting of trees for screening in high visibility areas. Next to a forest, residents feel 30m is too little, on the water, 30m is too much. (Individual resident perspectives will be referenced later.)

The “peer-reviewed” research specifies setbacks between 100 and 300m and it may be useful to remind everyone that salmon habitat is measured in kilometers. I believe this is useful information regarding the frequency with which, for different reasons, 100, 200 and 300m setbacks, building restrictions, and bioremediation within these setbacks, are being requested. They are also being instituted in electoral areas outside the Island’s Trust.

From Comox Valley Building and Permit FAQ’s: “ My property is within 200 meters of an eagle nest tree, 300 meters of a heron rookery or 30 meters from a watercourse. How is my property affected?”

or “Why do I need to provide a technical report if I am building habitable space within 100m of the sea – why can’t the CVRD tell me what my flood construction level and setbacks are?

And from a DPA in the Municipality of Courtney in regards to mapped ecologically sensitive zones: “Ensuring a minimum of 20 centimeters of topsoil on all future lawn areas.”

<https://www.courtenay.ca/assets/Departments/Development~Services/OCP~Update/OC-P-DPAs-Zoning~July~2022/DPA-Environmental.pdf>

3. DISTURBED VERSUS UNDISTURBED LAND

I also find of interest the number of times I have read that 30m setbacks (whichever one) are “inappropriate” for the lot sizes that were rationalized by colonial or modern urban development patterns. The environmental technical report conducted for the Pender Harbour DMP process goes into detail on the stresses that this development puts on shoreline ecology. The report specifies the toxicity of docks and boating from the chemicals used for marine vehicles and structures as well as the physical impact of them, i.e. the pressure caused by waves of recreational boats. It discusses the long-term erosion and sedimentation caused by septic systems on small lots, as well as why replacing them or altering them requires assessment and care. Further information regarding this can be found on the provincial website in regards to “Application Only Areas” for private moorage water leases. Both these sources explain why the issue is not whether land has been previously disturbed or not, but rather that *the act of disturbance itself* is being regulated.

Engineers and ecologists understand that small waterfront lots pose challenges to mitigating and adapting to the increasing frequency of extreme weather events. The patterns of development are not just the inverse of “inappropriate,” they are inherently destructive. Either residents accept the results of scientific research or they don’t. Again, I want to reiterate the provincial and federal governments are also mandated to keep our fisheries industry as viable as possible, and it very simply requires that larger setbacks and less development and disturbance occur in riparian and estuary ecologies.

4. THE ROLE OF INDIVIDUAL RESIDENT PERSPECTIVES IN A LEGISLATIVE CONTEXT

For example, the following statements are common at CIM’s: “I have always taken care of my property/my family has been here for generations/I know a marine biologist and they agree with me/etc..”

Attached is an academic article from the journal *Frontiers in Marine Biology*, “Property owner shoreline modification varies based on perceptions of shoreline change and ecological benefits.” The title is conveniently self-explanatory. Shoreline change and ecological benefits are defined by quantitative methodologies. Individual histories, experiences, perceptions and opinions do not alter them.

Residents want land use planning decisions to be based on sound, collectively agreed upon research methods and analysis, not individual opinions or perspectives. Every level of government and Indigenous Governing Bodies want the same. This has been strongly indicated in the last few Legislative Monitoring Reports. It is a point of connection.

4. FIRST NATION PERSPECTIVES I would like to point out that in 1928 prescribed burning was legislated in BC and credited to our original inhabitants. Starting forest fires was not intuitive to colonizers and settlers, who began the process of fighting fire and creating the conditions which increased the probability of it happening. FireSmart has recently published a brochure on the First Nation fire prevention initiatives, because they know, as Einstein did, that the thinking that creates problems cannot be used to solve it. It is tantamount to trying to get rid of holes in a blanket by cutting them out. Watersheds and riparian areas, two of the newer topics on our OCP, have been shown to have profound impact on water cycles and are conclusively linked to fire risk management. We are all concerned about fire, this is a point of connection.

In regards to Heritage Conservation DPA's:

Attached is a report on heritage areas in the Howe Sound. The original treaty territory of the Squamish FN is both on the mainland and the Sunshine Coast. Remains, artifacts and culturally modified trees have been found on several of the Islands between these land masses. They do not have to prove anything. It has already been done. That no one has found an aboriginal object on their particular island, is irrelevant.

What I am finding disturbing is the idea that our governments are coming up with restrictions willy nilly, when in actuality these bylaws are a gross compromise from what research actually indicates. There is resonance and alignment between science and First Nations recommendations in regards to land use planning. Individual residents desiring to be excluded from these recommendations on the basis of historically arbitrary and inherently destructive patterns of colonization, use the argument for property rights and property value.

So for example, I can understand the relationship between food security, forests and shorelines from two perspectives. One, half a century of research that connects fisheries (and all forms of indigenous food security) directly to estuaries and forests, but also the understanding of criticality of these ecosystems in hydrological cycles. Basically no water – no local agriculture, with our modern farming methods being the most water intensive, and water infrastructure intensive in the history of homo sapiens. HYDROLOGICAL CYCLES ARE GLOBAL, they not only transcend property lines on waterfront properties on small islands.

From the property rights and value perspective, the protection of forests of shorelines for food security reasons, has raised the concern that members of the Squamish Nation want to harvest on our land. This is systemically racist and profoundly ethnocentric. What we are being asked to adopt is to accept increasing development restrictions in rural areas so that all organisms have access to clean water and food.

Because what the Squamish FN are recommending for our OCP has been validated in my own fields of biology and science and technology policy, by weather hazard and risk

analysis, and by historical and ethnographic research, I determine these recommendations as rational.

Thank you for your time and consideration,

Camilla Berry

BSc Botany and Ecology (UVic), MSc History and Philosophy of Biology (UVic), PhD Science and Technology Policy, Faculty of Communication (SFU).

References:

Property Owner Shoreline Modification Decisions

<https://www.frontiersin.org/journals/marine-science/articles/10.3389/fmars.2023.1031012/full>

Management Recommendations for Washington's Priority Habitats: Riparian

<https://www.frontiersin.org/journals/marine-science/articles/10.3389/fmars.2023.1031012/full>

Why 30 meter setbacks?

<https://www.cohpoa.org/wp-content/uploads/2021/01/SP-2-Why-30-metre.pdf>

Heritage Resource Overview

Assessment of Proposed

Aggregate Project at McNab

Creek, Howe Sound, BC

First Nation Heritage Permit No.:

Tsleil-Waututh Nation 2013-006 and Squamish Nation

2012-0124

HCA PERMIT 2010-0031